

UNITED STATES BANKRUPTCY COURT District of New Jersey
Albert Russo Cn 4853 Trenton, NJ 08650 (609) 587-6888 Standing Chapter 13 Trustee
In re: Kenneth McCarthy Debtor(s)



Order Filed on February 27, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-29996 / CMG

Hearing Date: 02/19/2020

Judge: Christine M. Gravelle

Chapter: 13

ORDER CONFIRMING CHAPTER 13 PLAN

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: February 27, 2020


Honorable Christine M. Gravelle
United States Bankruptcy Judge

The plan of the debtor having been proposed to creditors, and a hearing having been held on the confirmation of such plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

ORDERED that the plan of the above named debtor, dated 01/09/2020, or the last amended plan of the debtor be and it is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the debtor.

ORDERED that the plan of the debtor is confirmed to pay the Standing Trustee for a period of 60 months.

ORDERED that the debtor shall pay the Standing Trustee, Albert Russo, based upon the following schedule, which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586:

\$2,042.26 PAID TO DATE

\$710.00 for 56 months beginning 3/1/2020

ORDERED that the case is confirmed at 100%, which includes a minimum of \$132,043.00 dividend to general unsecured creditors due to non-exempt equity in property.

ORDERED that the Standing Trustee shall be authorized to submit, ex-parte, an Amended Confirming Order, if required, subsequent to the passage of the claims bar date(s) provided under Fed. R. Bank. P. 3002.

ORDERED that the debtor's attorney be and hereby is allowed a fee pursuant to the filed 2016(b) Statement. Any unpaid balance of the allowed fee shall be paid to said attorney through the Chapter 13 plan by the Standing Trustee.

ORDERED that if the debtor should fail to make plan payments or fail to comply with other plan provisions for a period of more than 30 days, the Standing Trustee may file, with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-Receipt of Payment and request that the debtor's case be dismissed. The debtor shall have fourteen (14) days within which to file with the Court and serve upon the Trustee a written objection to such Certification.

ORDERED that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any lien discharged.

ORDERED that the Standing Trustee is authorized to pay post-petition claims filed pursuant to 11 U.S.C. § 1305(a), in the amount filed by the post-petition claimant.

ORDERED that the debtor(s) is to complete a sale or refinance of property located at 907 Bond Street by 3/17/2020, and any non-exempt proceeds of said sale or refinance shall be paid to the Trustee for the benefit of creditors.

- Creditor Wilmington Savings Fund Society FSB c/o Selene Finance LP, PACER claim #7-1, shall not be paid through the Chapter 13 Plan; creditor will be paid in full outside the Chapter 13 Plan from the sale or refinance.

ORDERED that if the debtor has provided for a creditor to be paid in the plan and no Proof of Claim is filed by such creditor before expiration of the applicable bar date, the debtor, pursuant to F.R.B.P. 3004, must file a Proof of Claim on behalf of the creditor within 30 days of the expiration of the applicable bar date. If the time period pursuant to F.R.B.P. 3004 has expired, the debtor must file a Proof of Claim on behalf of the creditor **and** file a motion to allow the Trustee to pay the late filed claim, or the debtor may obtain a Consent Order with the creditor authorizing the Trustee to pay an amount certain in the plan.

ORDERED that, notwithstanding the order of distribution set forth in the plan, the Trustee disbursements shall be made pursuant to the following order of distribution: administrative claims, secured claims, priority claims, general unsecured claims.

ORDERED as follows:

All Chapter 13 Plans, with the exception of Doc #28 filed on 1/9/2020, are withdrawn.

Secured creditor Wilmington Savings Fund Society c/o Rushmore Loan Management Service, PACER Claim #4-1, will be paid pre-petition arrears in the amount of \$3,427.51 through the Chapter 13 Plan, per the filed Proof of Claim; debtor will make regular monthly post-petition payments to said creditor outside of the Chapter 13 Plan.

Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New JerseyIn re:
Kenneth McCarthy
DebtorCase No. 19-29996-CMG
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 28, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 01, 2020.

db Kenneth McCarthy, 80 Cliffedge Way, Red Bank, NJ 07701-5211

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 01, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 28, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com

Aleisha Candace Jennings on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as Trustee for Pretium Mortgage Acquisition Trust
ajennings@rasflaw.com

Andrew L. Spivack on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com

Jill Manzo on behalf of Creditor Select Portfolio Servicing, Inc., as servicer for LIBERTY REVOLVING TRUST bankruptcy@feinsuch.com

Jill Manzo on behalf of Creditor SELECT PORTFOLIO SERVICING, INC., AS SERVICER FOR U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE, FOR THE HOLDERS OF THE CIM TRUST 2019-R4, MORTGAGE BACKED NOTES, SERIES 2019-R4 bankruptcy@feinsuch.com

Kevin Gordon McDonald on behalf of Creditor Legacy Mortgage Asset Trust 2019-RPL3.
kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com

R. A. Lebron on behalf of Creditor Select Portfolio Servicing, Inc., as servicer for LIBERTY REVOLVING TRUST bankruptcy@feinsuch.com

Robert Davidow on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com

Robert P. Saltzman on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as Trustee for Pretium Mortgage Acquisition Trust c/o Rushmore Loan Management Services dnj@pbslaw.org

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

Vincent Ansetti on behalf of Debtor Kenneth McCarthy vincent@ansettilaw.com,
vincent@ansettilaw.com

TOTAL: 11